

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31454 of 2007(T)

**CMA.05/2007 of SUB COURT, PERUMBAVOOR
OS.271/2004 of MUNSIFF COURT, PERUMBAVOOR**

PETITIONERS/PETITIONERS/PLAINTIFFS:

1. VINU G, AGED 30, S/O. GOPALAN,
KUZHICKATTUPARAMBIL, KANINADU KARA,
PUTHENCROUZ VILLAGE, KUNNATHUNADU THALUK.
2. SANTHOSH, AGED 40 S/O. CHANDRASEKHARA
MENON, NEDIYAPPILLIL HOUSE, KANINAD KARA,
PUTHENCROUZ VILLAGE, KUNNATHUNADU THALUK.
3. CHANDRAN NAIR, AGED 56, S/O. DAMODARAN
EIAMKULATH HOUSE, AKNINADU KARA,
PUTHENCROUZ VILLAGE, KUNNATHUNADU THALUK.

**BY ADV. SRI.M.C.NAMBIAR
SRI.MADANLAL**

RESPONDENTS/RESPONDENTS/DEFENDENTS:

1. BHAGEERATHY AMMAL, AGED 73,
W/O. VENKITA NARAYANAN
EMBRANTHIRI VARIYAMPURATH MADATHIL,
KANINADU KARA, PUTHENCROUZ VILLAGE,
KUNNATHUNAD THALUK.
2. VENKITTAN, AGED 46, S/O. VENKITA
NARAYANAN EMBRANTHIRI VARIYAMPURATH MADATHIL,
KANINADU KARA, PUTHENCROUZ VILLAGE,
KUNNATHUNAD THALUK.
3. KAVERI AMMAL, AGED 48, D/O.
VENKITA NARAYANAN EMBRANTHIRI
VARIYAMPURATH MADATHIL
KANINADU KARA, PUTHENCROUZ VILLAGE,
KUNNATHUNAD THALUK.

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**4. SUSEELA AMMAL, AGED 38,
D/O.VENKITTA NARAYANAN EMBRANTHIRI
VARIYAMPURATH MADATHIL
KANINADU KARA, PUTHENCROUZ VILLAGE,
KUNNATHUNAD THALUK.**

**5. PADMANABHAN EMBRANTHIRI, AGED 78,
S/O. PADMANABHAN EMBRANTHIRI,
VARIYAMPURATH MADATHIL
KANINADU KARA, PUTHENCROUZ VILLAGE,
KUNNATHUNAD THALUK.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N.KRISHNAN, J

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W.P.(C) No.31454 OF 2007

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Dated this the 23rd day of October 2007

JUDGMENT

This writ petition is filed to set aside the concurrent orders passed by the Munsiff's Court, Perumbavoor in I.A.No.1588/2004 in O.S.No.271/2004 and the Sub Court, Perumbavoor in C.M.A.No.5/2007. Plaintiffs moved I.A.No.1588 of 2004 for a temporary injunction and the court below after considering the entire documentary evidence produced by the plaintiffs and defendants rejected the prayer for injunction. In appeal, the entire matter was reappraised and it was confirmed by the appellate court as well. It is against those orders, the present writ petition is filed.

2. The power of this court under Article 227 of the Constitution of India is limited and it can only interfere, if there is such a gross irregularity or illegality which requires correction. I am satisfied that no such mistake had been committed by the courts below for the reason that the documentary evidence had been analyzed and a decision arrived at. Therefore, any consideration of the matter in detail will prejudice one of the parties and therefore at this stage, I do not want to go into the merits of the case.

Therefore I dismiss this writ petition. I make it very clear that the court below while trying the case shall dispose of the matter untrammelled by the observations contained in its own order or in the order of the appellate Judge and the parties will be at free to adduce evidence in support of their respective contentions, which is necessary for a just decision in the matter. I also direct the trial court to dispose of the matter, as expeditiously as possible, at any rate, within six months from today.

M.N.KRISHNAN, JUDGE

Cdp/-